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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 JENNIFER STROME,

No. C 14-02398 SI

9 Plaintiff,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION TO DISMISS**

10 v.

11 DBMK ENTERPRISES, INC., a California
12 corporation; et al.,

13 Defendants.
14 _____/

15 On May 23, 2014, plaintiff Jennifer Strome filed a complaint against defendants DBMK
16 Enterprises, Inc., Michael Sanchez, Jr., and Debra Ann Sanchez. Docket No. 1. On June 17, 2014,
17 defendants filed a motion to dismiss the complaint for failure to state a claim. Docket No. 13. On June
18 24, 2014, plaintiff filed a first amended complaint, mooted defendants' motion to dismiss. Docket No.
19 17; *see Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (“[A]fter amendment the original
20 pleading no longer performs any function and is ‘treated thereafter as non-existent.’”). Accordingly,
21 the Court DENIES as moot defendants' motion to dismiss. Docket No. 13.

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23 **IT IS SO ORDERED.**

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25 Dated: June 24, 2014



SUSAN ILLSTON
United States District Judge